"...We are also not aware of any Federal law or regulation which provides for the inspection of used manufactured homes for placement in a new location or after the sale of the unit. In these cases, manufactured homes generally fall under the jurisdiction of State and local authorities." [Emphasis Supplied]

[App, p a-32]

Petitioners' 1984 Schult mobile home was manufactured in compliance with HUD standards which existed in 1984. The parties stipulated to the fact that that mobile home does not meet the current minimum construction and safety light and ventilation standards set forth at 42 C.F.R. § 3280.103, the current minimum construction safety attic and roof ventilation standards set forth at 42 C.F.R. § 3280.504 (c), and the current minimum construction and safety heat and loss gain coefficient of heat transmission standards (the insulation requirement) set forth at 42 C.F.R. §3280.506, adopted October 25, 1994, when Petitioners placed the mobile home on a new parcel in September, 2000. [Stipulated Fact #12; App, pp a-13-14]

Petitioners did not have Township approval to relocate the 1984 Schult on a new parcel of land within the Township because the 1984 mobile home did not meet current HUD construction and safety standards. They moved it in defiance of the Township requirements. The Township commenced its lawsuit.

While the case has had an extended and varied procedural history, as to the issue of preemption, the parties concurred from the beginning that the applicable statutory section is 42 U.S.C.§ 5403 (d) . Stipulated Fact #3 states:

"3. With regard to any regulations it elects to adopted [sic], Bunker Hill Township is required, by Federal statute and regulation, to adopt, and continue in effect, only standards for mobile homes that are identical to the Federal standards set forth at 42 U.S.C.A. § 5403 (d) and 24 C.F.R. § 3282.11, which provide as follows:

> 'Whenever a Federal Manufactured Home Construction and Safety Standard established under this chapter is in effect, no state or political subdivision of a state shall have any authority either to establish, or to continue in effect, with respect to any manufactured home covered, any standard regarding construction or safety applicable to the same aspect of performance of such manufactured home which is not identical to the Federal Manufactured Home Construction and Safety Standard. 42 U.S.C.A. § 5403 (d)'.
>
> (a) No state manufactured home standard regarding manufactured home construction and safety which covers aspects of the manufactured home governed by the federal standards shall be established or continue in effect with respect to manufactured homes subject to the Federal standards and these regulations unless it is identical to the federal standards.
>
> (d) No State or locality may establish or enforce any rule or regulation or take any action that stands as an obstacle to the accomplishment and execution of the full purpose and objectives of

> Congress. The test of whether a State rule or action is valid or must give way is whether the State rule can be enforced or the action taken without impairing the Federal superintendence of the manufactured home industry as established by the Act. 24 C.F.R. § 3282.11 (a) & (d)."
>
> Stipulated Facts and Record; App, pp a-10-11

In that, the parties are in agreement.

Bunker Hill Township has always argued, among other things, that Petitioners are substantively requiring the Township – or asking the Courts to require the Township - to violate that requirement of law and to continue in effect a standard no longer in effect for homes newly placed on a parcel of land.

Petitioners have always argued, among other things, that the Federal preemption set forth in that statutory section mandated Bunker Hill Township to accept the 1984 Schult mobile home newly placed on a parcel of land because it had, at one time (i.e., in 1984) met HUD standards.

In addition to Petitioners' detailed, procedural summary, the Trial Court heard additional testimony on April 28,2003, prior to determining whether the mobile home should be moved from its new location.

At the time Petitioners moved the mobile home in September, 2000, to a new parcel in Bunker Hill Township without Township permission, the Bunker Hill Township Zoning Ordinance had been in place since 1981, the

summary Resolution had been in place since 1999, the applicable Federal statute and the applicable Federal Regulations had been in place for years; the specific HUD construction and safety standards had been in place since 1994 and were not met by the 1984 Schult mobile home. At no time during these proceedings has there been a change in Ordinance, Regulation or Statute relevant to the issues presented and argued here.

ARGUMENT
AND
REASONS FOR DENIAL OF PETITION

SUMMARY OF ARGUMENT

This case involved the limited testimony of the Bunker Hill Township Supervisor, Mr. Ed Roark, and the Petitioner, Arthur Allen, on April 28,2003; the Deposition testimony of Kevin G. DeGroat, a regulatory specialist with the Michigan Manufactured Housing and Land Development Division on May 2, 2001; and, Stipulated Facts and Stipulated Exhibits. The parties agreed upon the relevant section of the Bunker Hill Township Zoning Ordinance, the Bunker Hill Township Resolution of 1999, and the applicability of the relevant sections of both the National Manufacturing Construction Safety Standards Act of 1974, and the regulations promulgated thereunder.

The parties agree that: (a) the Bunker Hill Township Zoning Ordinance was enacted in 1981; (b) that the mobile home in question was constructed in 1984, which then met the then-current HUD standards; (c) that the Township adopted a Resolution summarizing its requirements in 1999; (d) that the 1984 Schult mobile home was lawfully placed

within the Township; (e) that, in 2000, the 1984 Schult mobile home did not meet various current HUD standards, including, specifically, HUD standards for minimum construction and safety light and ventilation, minimum construction and safety attic and roof ventilation and minimum construction and safety heat and loss gain coefficient of heat transmission standards; (f) that the Schult mobile home lawfully occupied the original parcel on which it was sited; (g) that, in 2000, the Township refused to permit the mobile home to be moved to a new location within the Township because it did not then meet the current HUD construction and safety standards; and (h) that the Petitioners moved it anyway, in spite of the fact that it did not meet current HUD standards.

Bunker Hill Township perceives that Petitioners have improperly applied and misstated the law to the facts in this case.

Bunker Hill Township's argument is that the carefully crafted preemption language adopted by Congress, as set forth at 42 U.S.C. § 5403 (d) requires Bunker Hill Township, over time, to apply current HUD standards. If it fails to do so, it would violate Federal law. Petitioners' argument is that the Bunker Hill Township Zoning Ordinance – as applied by Bunker Hill Township to require homes newly sited on a parcel of land to be in compliance with then-current HUD standards – is preempted by that same statutory language and that the Michigan Courts are incorrect in their application of that statute. Bunker Hill Township argues that the Michigan Court correctly applied the statute (and regulation) and properly stated the rule of law. There is no conflict with reported Opinions on the subject by the United States Courts of Appeals or other courts.

While Petitioners have always argued that the Township's application of current HUD standards for a home newly moved onto a parcel was improper because the 1984 Schult mobile home met the 1984 HUD standards, that argument was always set forth as a "preemption" argument and not argued separately as improper because it was a "retrospective" application of law. However, the change in HUD construction and safety standards over time has always been a part of each party's arguments concerning the application of the preemption language adopted by Congress and contained at of 42 U.S.C. §5403 (d). There is not here an inapplicable retroactive application of law. The cases of this court cited by Petitioners are not applicable in the manner applied by Petitioners. Finally, no important Federal question exists here, nor does this unreported Opinion from the Michigan Court of Appeals conflict with any decision of the Federal Courts of Appeals.

MICHIGAN COURTS PROPERLY UNDERSTOOD AND APPLIED THE FEDERAL ACT TO THE BUNKER HILL TOWNSHIP ZONING ORDINANCE AND FOUND THAT THE ORDINANCE COMPLIED WITH FEDERAL PREEMPTION REQUIREMENTS.

The Respondent perceives that the Petitioners, in their opening argument heading, misstated the Michigan Court's application of the law to the facts in this case when Petitioners stated:

> "The Michigan Court has decided that local units can enforce Federal regulations of manufactured homes and are not preempted by the Federal act, in conflict with decisions of the United States Courts of Appeals."

The Trial Court Opinion and Order and the Court of Appeals' Opinion and Order [App, pp a-1 and a-51 & a-60] make it clear that Michigan Courts understood the supremacy of the HUD standards required by 42 U.S.C. §5403 (d). Their conclusion was that Bunker Hill Township's Zoning Ordinance was complying therewith and not in violation thereof.

Petitioners continually ignore the actual language contained within 42 U.S.C. 5403 (d) which prohibits Bunker Hill Township from "continuing in effect" standards not identical to the HUD construction and safety standard.

Even Petitioners' expert from the State of Michigan, Kevin DeGroat, concurred that continuing in effect an old standard would be inconsistent with the Federal statute, specifically stating on pages 59 and 60 of his Deposition:

"Q. No. Once the federal government changes the standards from 1993 to 1994, and if the local government continued in effect in 1994 the 1993 standards, would the local unit of government, in your opinion, be violating that language because it is continuing in effect a standard no longer adopted?

A. I don't know with respect to violation. There would certainly be an inconsistency. But I don't know what effect that would have from federal enforcement purposes of determining a violation. They would certainly be out of date.

Q. But would they not in effect be continuing in

effect any standard that is then not identical to the federal manufactured standard?

A. If they were to continue to enforce an older standard?

Q. Yes, sir.

A. Yeah, that would be inconsistent, the way I would view it, with that provision."

Deposition, Kevin DeGroat, 5/22/01, pp 59,60

Petitioners' expert's interpretation of the Federal statute is consistent with the normal interpretation of the words chosen by Congress.

WEBSTER's THIRD NEW INTERNATIONAL DICTIONARY, defines "continue" as:

> ". . .1a: to be steadfast or constant in a course or activity: keep up or maintain esp. without interruption a particular condition, course, or series of actions: persevere, endure, persist."
>
> **Id**, p 493

The same dictionary defines the word "in effect", as a subcomponent of its definition of "effect":

> ". . .in substance: virtually"
>
> **Id**, p 724

Similarly, the AMERICAN HERITAGE DICTIONARY OF THE ENGLISH LANGUAGE, FOURTH ED., defines "continue" as:

> ". . .1. To go on with a particular action or in a particular condition; persist."
>
> **Id**, p 398

and defines "effect" as:

> ". . .1. Something brought about by a cause or agent; a result . . . 5. The condition of being in full force or execution: a new regulation that goes into effect tomorrow."
>
> **Id**, p 57

If Bunker Hill Township, in the year 2000, permits a manufactured home – which does not meet current HUD construction and safety standards – to be newly placed on a parcel, the Township would be "continuing in effect" a standard not identical to HUD construction and safety standards.

The Trial Court Opinion and the unreported Michigan Court of Appeals' Opinion affirming the Trial Court are consistent with Federal reported cases on the preemption requirements of 42 U.S.C. §5403 (d).

Specifically, *Scurlock v. City of Lynn Haven,* 858 F. 2d 1521, 1525 (11th Cir. 1988) states:

> "Since the City ordinance has greater safety requirements for a mobile home than the Federal Act, the ordinance must give way to the Act."
>
> **Id**, p 1525

Here, the opposite is true. The Township has no independent safety requirements of its own; it requires compliance with the current, published Federal requirements. Or, as stated by the District Court in *Burton v. City of Alexander*, 2001 WL 527415, *7 (M.D. Ala):

> "A municipality must have mandated some definite

standards that differs from a HUD standard."

Id, p 6

Bunker Hill Township has not mandated any standard that differs from HUD standards. With respect to aesthetic standards (which are not preempted), *Burton,* supra, also stated in Footnote 22:

> "A state or municipality acts illegally only when it singles out manufactured homes for disparate treatment."
>
> **Id,** p 7

Bunker Hill Township's application of its Zoning Ordinance to the facts in this case is in accord with *Schurlock*, supra., and *Burton*, supra.

Bunker Hill Township has no quarrel with and believes *Lauderbaugh v. Hopewell Township*, 319 F. 3d 568 (3rd Cir. Pa. 2003) is not supportive of Petitioners and is supportive of the Michigan Court of Appeals' and Trial Court's Opinions here. As stated therein with respect to the National Manufactured Housing Construction and Safety Standards Act [NMHCSSA]:

> ". . .they [localities] may not use safety and construction standards that conflict with the NMHCSSA as a regulatory tool."
>
> **Id,** p 576

That is a clear statement of the law. The Michigan Courts correctly understood it. The Michigan Courts correctly applied it.

In *Georgia Manufactured Housing Association, Inc. v. Spalding County,Georgia et.al.*, 148 F. 3d 1304 (Ca. 11 1998) that Court determined that a 4:12 roof slope requirement was not a construction and safety standards but an aesthetic condition for placement of manufactured homes in residential districts. (p 1310)

While, in fact, Bunker Hill Township is applying the Federal construction and safety standards as mandated, the totality of §11.13 of its Zoning Ordinance makes it clear that requiring current construction standards for all single-family dwellings, newly placed on a parcel of land is also an aesthetic standard and, as such, is not in violation of preemption standards. In doing so, however, it is complying with Federal preemption law.

Texas Manufactured Housing Association, Inc. v. City of Nederland, 101 F 3d 1094 (Ca. 5 1996) *cert den* 521 U. S. 1112; 117 S. Ct. 2498; 138 L. Ed. 2d 1003 (1997) is equally supportive of Bunker Hill Township. As that Court stated:

> "Ordinance 259, in contrast, regulates the placement and permitting of trailer coaches for the purpose of protecting property values and does not expressly link its provisions in any way to local safety and construction standards."
>
> **Id,** p 1100

In requiring all newly-sited homes on parcels of land to meet current construction standards – which, for manufactured homes, are HUD standards – not only is Bunker Hill Township complying with Federal law, it is assuring compatibility of aesthetics, Township-wide, by its requirements set forth in § 11.13 in total.

The Michigan Court has read *CMH Manufacturing, Inc. v. Atawba County, et. al.*, 994 F. Supp. 697 (W.D. N.C. 1998) correctly. As the Court stated in that case:

> "However, the parties have directed the court to no case finding preemption of a regulation not impacting safety standards in some direct way."
>
> **Id,** p 706

Bunker Hill Township is not "impacting safety standards in some direct way". It is simply requiring compliance with those Federal standards. It has not adopted its own construction and safety regulations.

In *Michigan Canners and Freezers Association, Inc., et. al. v. Agricultural Marketing and Bargaining Board, et. al.*, 467 U.S. 461, 469; 104 S. Ct. 2518; 81 L. Ed. 2d 399 (1984), this Court summarized the three ways Federal law may preempt state law as follows:

> ". . .Congress may explicitly define the extent to which it intends to pre-empt state law.
>
> ****
>
> . . .Congress may indicate an intent to occupy an entire field of regulation, in which case the States must leave all regulatory activity in that area to the Federal Government.
>
> ****
>
> . . .Finally, if Congress has not displaced state regulation entirely, it may nonetheless pre-empt state law to the extent that the state law actually conflicts with federal law. Such a conflict arises when compliance with both state and federal law is impossible, (citations omitted) or when the state law 'stands as an obstacle to the accomplishment and

execution of the full purposes and objectives of Congress.' "

Id, p 470

This Court found preempted a Michigan statute going well beyond the Federal regulatory scheme. As stated therein:

> "The Michigan Act, however, empowers producers' associations to do precisely what the federal Act forbids them to do. . . . In practical effect, therefore, the Michigan Act imposes on the producer the same incidents of association membership with which Congress was concerned in enacting §2303 (a).
>
> *****
>
> ... it stands as an obstacle to the – accomplishment and execution of the purposes and objectives of 'Congress'."
>
> **Id,** pp 477-478

To the extent this form of preemption is even remotely arguably applicable (standing as an obstacle), given the clear, specific language of 42 U.S.C. § 5403 (d), the Bunker Hill Township Zoning Ordinance does not stand as an obstacle to the Federal Act; it was carefully drafted to comply with the precise preemption language chosen by Congress.

Similarly, *Hillsborough County Florida, et. al. v, Automated Medical Laboratories, Inc.*, 471 U.S. 707; 105 S. Ct. 2371; 85 L. Ed. 2d 714 (1985) deals with conflict preemption and is not here applicable other than in relation to the argument set forth as to the *Michigan Canners* case, supra.

Capital Cities Cable, Inc. et. al. v. Crisp, 467 U.S. 691; 104 S.Ct. 2694; 81 L. Ed. 2d 580 (1984); *Fidelity Federal Savings and Loan Association, et. al. v. Reginald D. de la Cuesta, et. al.*, 458 U.S. 141; 102 S. Ct. 3014; 73 L. Ed. 2d 664 (1982); *United States v Shimer*, 367 U. S. 381; 81 S. Ct. 1554; 6 L. Ed. 2d (1961); *City of Burbank v. Lockheed Air Terminal, Inc.* 411 U. S. 624; 93 S. Ct. 1854; 36 L. Ed. 2d 547 (1973) and *United States v Gary Locke, et. al.*, 529 U. S. 89; 120 S. Ct. 1135; 146 L. Ed. 2d 69 (2000) are all inapplicable under conflict preemption for the reasons previously presented. Petitioners simply want to ignore the unambiguous language chosen by Congress.

Bunker Hill Township – in the language used in its Zoning Ordinance and in its application – is complying with the statutory mandate of 42 U.S.C. § 5403 (d). The Michigan Trial Court and the Michigan Court of Appeals in its unreported Opinion understood the applicability of that statutory section and correctly applied it to the facts in this case. 42 U.S.C. §5403 (d) permits and mandates local units of government to have standards identical to the Federal standards for construction and safety which, themselves, change over time. Bunker Hill Township does just that. It is statutorily required to have standards identical to the Federal standards – or perhaps more precisely stated, it is proper for Bunker Hill Township to apply the current Federal construction and safety standards for newly-sited, manufactured homes. It is not preempted from doing so; it is mandated to do so.

Finally, in *Michigan Manufactured Housing Association, et. al. v. Robinson Township*, 73 F. Supp. 2d 823 (W.C. Mich. 1999) , the Federal District Court was examining a provision of the Township Ordinance that stated:

"However, all dwellings, including mobile homes, must meet the roof snow load and strength requirements applicable to site built structures."

Id, p 824

The Federal Court correctly noted in that case that under 24 C.F.R. § 3282.11(d):

"Thus, states and municipalities are precluded 'from imposing construction and safety standards upon mobile homes that differ in any respect from those developed by HUD'. *Scurlock v City of Lynn Haven* . . ."

Id, p 826

Whether or not that Court correctly interpreted the township snow load requirement in applying the Federal statute as to an area of Michigan having substantial amounts of snow, nothing in that case alters the correct conclusion here that the Bunker Hill Township Zoning Ordinance requiring a manufactured home newly-sited on a parcel of land to comply with current HUD construction and safety standards is in compliance with Federal preemption requirements.

Petitioners attempt to invert the arguments and the position of Bunker Hill Township by their focus upon its 1999 Resolution. That Resolution is and was meant to explain the methodology for applying the Zoning Ordinance. If a manufactured home is "HUD certified" as being in compliance with current HUD standards, it may be newly placed on a parcel. If it is not so "certified"(i.e., not certified or certified for standards not now in effect), but owners can find an appropriately licensed individual to verify that that mobile home does, in fact, meet current HUD construction

and safety standards, it may be newly-placed on a parcel of land within Bunker Hill Township. A subsequent inspection is not mandated by the Township as correctly observed by the Trial Court; it is permitted as an alternative to meet the Township and Federal requirements of compliance with current HUD standards.

Petitioners understood from HUD correspondence of July 28, 2000 (App, p a-31) that HUD believed that Bunker Hill Township's requirement of compliance with current HUD standards for placement of the manufactured homes in a new location or after a sale:

> "...generally fall under the jurisdiction of State and local authorities."
>
> App, p a-32

Simply stated, Petitioners have no argument at all. If that unofficial HUD letter is correct, Bunker Hill Township's requirement of compliance with current HUD construction and safety standards is, actually, beyond the scope of Federal preemption. If, alternatively, congressional preemption language still controls, Bunker Hill Township must do what it is doing – applying current HUD standards.

Petitioners chose to relocate the manufactured home without first coming into compliance with current HUD construction and safety standards. They now seek this Court's mandate that the Township not apply current HUD construction and safety standards. Petitioners convolute the Federal statute and Federal regulation, in ways not interpreted by the Department of Housing and Urban Development and in ways inconsistent with any of the Opinions of the Courts cited who have reviewed the statute at issue.

42 U.S.C. §5403 (d) is properly cited and correctly applied by the Michigan unreported Court of Appeals' Opinion to this rural Township Zoning Ordinance. This is not an important Federal question. The law is properly applied. Bunker Hill Township requires that a home newly sited must meet current construction standards. This can be verified through current HUD approval or any appropriate engineering certification for old manufactured homes which are in apparent non-compliance with current HUD construction and safety standards. Bunker Hill Township's Zoning Ordinance is in compliance with 42 U.S.C. §5403 (d). Furthermore, §11.13 of the Zoning Ordinance clearly deals with uniformity of aesthetic and appearance standards. When so many cities and townships still have concerns as to manufactured housing, Bunker Hill Township's open and ready acceptance of same in its application of current HUD standards epitomizes what has been sought by Congress.

The Petition is without merit.

THE MICHIGAN COURT OF APPEAL, IN APPROVING THE BUNKER HILL TOWNSHIP ZONING ORDINANCE, AS APPLIED, IS NOT VIOLATING THE DEEPLY HELD MAXIM AGAINST RETROACTIVITY.

Petitioners have always argued that because the 1984 Schult mobile home met HUD standards in 1984 (but does not now), Bunker Hill Township was preempted from imposing current construction and safety standards when the mobile home was newly placed on a parcel of land within Bunker Hill Township. Petitioners have not previously argued the "retroactivity" argument now set forth in their Petition to this Court in the manner set forth to this Court.

Notwithstanding that fact, Respondent believes their argument is incorrect and improperly applied.

Bunker Hill Township's Zoning Ordinance was in place in 1981; the 1984 Schult mobile home did not comply with the 1994 HUD construction and safety standards; the 1984 Schult mobile home was lawfully sited and occupied in 1999 and could have remained occupied at that location, indefinitely. It was, however, moved from a proper, lawful placement without Township approval in 2000, but with forewarning of the Township's disapproval; with forewarning of its non-compliance with the current HUD standards; and without forewarning of HUD's view of preemption.

Petitioner relies primarily on a detailed analyses of retroactivity, set forth both in *Kaiser Aluminum & Chemical Corporation, et. al. v. Joseph A. Bonjorno, et. al.*, 494 U.S. 827; 110 S. Ct. 1570; 108 L. Ed. 2d 842 (1990) and *Landgraf v. USI Film Products, et. al.*, 511 U.S. 244; 114 S. Ct. 1483; 128 L. Ed. 2d 229 (1994)

Because of the complexity of this area of the law, as detailed at length in each of those opinions, it is first important to note that in *Landgraf*, supra., the Court was looking at the applicability of the then-newly-enacted Civil Rights Act of 1991, subsequent to a trial of a former employee's allegations of sexual harassment in violation of Title VII, but enacted while the case was on appeal.

In that case, this Court stated as to whether the statute applies retrospectively:

> "Rather, the court must ask whether the new provision attaches new legal consequences to events

completed before its enactment. The conclusion that a particular rule operates 'retroactively' comes at the end of a process of judgment concerning the nature and extent of the change in the law and the degree of connection between the operation of the new rule and the relevant past event."

Id , p 269-270

Here, there are no "new provisions" affecting contractual or property rights or events completed before their enactment. There is no new rule to apply to the event of relocating the mobile home. When the 1984 Schult mobile home was newly sited on a parcel in 2000, all Federal and Township requirements had been in place. There were and are no "new provisions".

Further, there is a statutory and regulatory scheme that contemplates changes in regulations over time and requires local units of government to keep current with those changes as they occur. Thus, there is no retroactivity. There is not even a vested contractual or property right here. There is the statutory guarantee that there will be regulatory changes, over time, in construction and safety standards and a mandate for local units to be current with those standards. Further, Bunker Hill Township has no independent standards of its own. It is only applying existing, current published Federal standards. Whether or not Petitioners had a "right" to continue to occupy the mobile home at its old location, Bunker Hill Township was unequivocal in its position that it viewed such continued occupancy at the old location as proper.

The extensive and thorough analysis of this area of the law by Justice Scalia in *Kaiser Aluminum*, supra., cannot be adequately summarized herein. However, as pointed out

in the majority opinion, the starting point for interpretation of any statute:

> ". . .is the language of the statute itself. Absent a clearly expressed legislative intent to the contrary, that language must ordinarily be regarded as conclusive."
>
> **Id**, p 835

The statutory language of 42 U.S.C. §5403(d) is clear. It contemplates changes in construction and safety standards over time. It is clear in its requirement that local units of government keep current with those changes and not maintain a standard other than the current HUD construction and safety standards. In this context then, Bunker Hill Township asserts that its Zoning Ordinance is not retrospective under any definition or stretch of the imagination. It is complying with the intent and the language of 42 U.S.C. §5403(d).

In *Anthony J. Covey, et. al. V Hollydale Mobilehome Estates, et. al.*, 116 F. 3d 830 (9th Cir. 1997) , the Court of Appeals determined that the 1995 regulations would have a retroactive effect as related to the lawsuit filed on December 1, 1993. That case is not here applicable. Nothing has changed, either in the statutes or in the regulations, after this case was commenced.

There is no retrospective application here. Every Federal requirement and every Township requirement was in place at the time the 1984 Schult mobile home was, without Township permission (and, in fact, with Petitioners' knowledge that Township permission would not be granted) , newly-sited on a parcel of land in violation of then-existing HUD standards and Township requirements. Had it stayed

where it was, it could have been occupied indefinitely. To be newly-sited on a parcel, it had to meet the then-current HUD construction and safety standards. Such a requirement is in full compliance with Federal law.

Petitioners' argument is without merit. The unreported Michigan Court of Appeals' Opinion in this case is consistent with this Court's Opinions on the issue. There is no "compelling reason" established by Petitioners -- as required by Supreme Court Rule 10, to take this case before this Court.

CONCLUSION

For the foregoing reasons, the Petition for Writ of Certiorari should be denied. This case was presented to the Michigan Courts on agreed-upon facts. The Michigan Court of Appeals and the Trial Court understood and correctly applied applicable Federal law. There is no overriding Federal legal principle at issue. There is no conflict with Federal Appeals Court decisions. There is no significant Federal question present here.

The Petition should be denied as being without merit.

Respectfully submitted:
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Respondent

Dated: December 13, 2005